

# UNITED STATES DISTRICT COURT

State and

DISTRICT OF

2009 JUL 6 AM 10:44

CLERK-LAS CRUCES

UNITED STATES OF AMERICA

v.

Jose Luis CARDOZA-Aguirre

## CRIMINAL COMPLAINT

AKA: Juan Carlos REYES-Martinez

CASE NUMBER:

09-1911 MS

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 3, 2009 in Dona Ana county, in the State and District of New Mexico the defendant (s),

an alien, who had been previously arrested and deported from the United States, subsequent to being convicted of an aggravated felony, to wit: 8 USC 1326(b)(2), and who had not received the consent of the appropriate authority of the United States to reapply for admission into the United States, was found in the United States, in the State and District of New Mexico, being willfully in the United States unlawfully

in violation of Title 8 United States Code, Section(s) 1326 (b)(2)

I further state that I am a Senior Patrol Agent and that this complaint is based on the following facts:  
Santa Teresa, New Mexico  
Official Title

On July 3, 2009, a United States Border Patrol Agent encountered the Defendant in Sunland Park, New Mexico. The Agent questioned the Defendant as to his citizenship to which the Defendant stated that he was a citizen and national of Mexico, present in the United States without Immigration Documents that would allow him to be or remain in the United States legally. The Defendant knowingly entered into the United States illegally by crossing the U.S./Mexico International Boundary on foot south of Sunland Park, New Mexico. This area is not a Port of Entry as designated by the Appropriate Authority of the United States. Thus the Defendant is present in the United States without admission by an Immigration Officer. Processing at the Santa Teresa Station revealed that the Defendant had been previously deported to Mexico via Del Rio, Texas on April 26, 2005, subsequent to a felony conviction for 8 USC 1326(b)(2) Re-entry After Deportation. There is no evidence that the Defendant received permission from the Appropriate Authority to reapply for admission into the United States.

Continued on the attached sheet and made a part hereof:

☐ Yes☒ No

Signature of Complainant

Irasema R. Piña

Sworn to before me and subscribed in my presence,

July 6, 2009

Date

at

Las Cruces, New Mexico

City and State

William P. Lynch

United States Magistrate Judge

Name &amp; Title of Judicial Officer

Signature of Judicial Officer